

## Management System: Safeguards & Security

## Subject Area: Program Management and Support

# Program Description: Workplace Violence Prevention Program

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**Management System Owner:** Assistant Director, Office of Technical Support and Asset Management

**Subject Matter Expert:** Tim Marcus

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### 1.0 Purpose/Introduction

The Environmental Management Consolidated Business Center (EMCBC) is committed to promoting a safe work environment for all its employees, on-site contractors, and visitors. A safe work environment includes freedom from not only safety hazards, but also freedom from violence initiated by individuals in the workplace.

The purpose of this Program Description is to outline the EMCBC's expectation and actions regarding the prevention of all forms of violence (to include physical and psychological) within the EMCBC workplace and provide support and assistance to employees whose lives are affected by workplace violence.

### 2.0 Policies

The Department of Energy has promulgated expectation for the prevention and response to violence in the workplace via DOE Policy 444.1, *Preventing and Responding to all Forms of Violence in the Workplace*. The EMCBC has further stated organizational expectations for preventing workplace violence via publication of PS-OTSAM-440-02, Rev 3, *EMCBC Workplace Violence Prevention Policy*.

### 3.0 Roles and Responsibilities

Employees	<ul style="list-style-type: none"><li>• Employees have the right to expect a work environment free from violence, threats, stalking, intimidation, bullying, harassment and other forms of disruptive behavior.</li><li>• Persons who are subject to, witness or suspect an incidence of workplace violence are expected to report the event to their</li></ul>
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	<p>supervisor. If the event involves your first line supervisor then the expectation is that an employee would report the incident to the next higher level of supervision. CAUTION: In critically urgent situations, (i.e. a weapon has been observed) there is an individual responsibility to immediately call local law enforcement in accordance with local instructions. At the EMCBC, this is done by dialing 8-911.</p> <ul style="list-style-type: none"> <li>• Have a responsibility to read, understand and comply with applicable Code of Federal Regulation's, DOE Orders and Policies and EMCBC Policies, Plans and Procedures identified in Section 5 of this Program Description.</li> </ul>
Director, EMCBC	<ul style="list-style-type: none"> <li>• Supports efforts made by supervisors, managers, and agency specialists with appropriate Subject Matter Expertise (SMEs) in responding to and recovering from violent or harassing behavior in the workplace.</li> <li>• Provides the final approval authority for the Workplace Violence Prevention Policy and Program Description.</li> <li>• In the event of a workplace violence incident, implement response and recovery actions in accordance with the applicable EMCBC policies, plans and procedures identified in Section 5.2 of this Program Description. The EMCBC will utilize an ad hoc team of individuals in multiple disciplines to provide support, advice and assistance to supervisors and management in addressing an incident of workplace violence. This may include agency specialists from Human Resources, Technical Support, Chief Counsel, Civil Rights &amp; Diversity or outside resources like EAP or ADR.</li> </ul>
Supervisors/Managers	<ul style="list-style-type: none"> <li>• Supervisors and managers have an obligation to deal with inappropriate behavior by their employees and customers, to provide employees with information and knowledge concerning workplace violence, and to put effective prevention, response and recovery measures in place.</li> </ul> <p>In addition to knowing and acting in concert with the Workplace Violence Prevention Policy and Program Description, supervisors and managers should promote behaviors that minimize conflicts in the workplace. Supervisors shall also:</p> <ul style="list-style-type: none"> <li>• Take all threats seriously and respond to potential threats and escalating situations by utilizing the resources described in this Program Description. The supervisor, in consultation first with</li> </ul>

	<p>the Office of Human Resources (OHR) Employee Relations Team and management will make the determination to request additional resources.</p> <ul style="list-style-type: none"> <li>• To the extent possible, maintain the confidentiality of all parties involved in reported incidents, restricting information to only those with a need to know. Respect an employee's right to privacy during the incident assessment.</li> <li>• Will seek advice and support from OHR when initiating action in response to an incident. Assess the situation regarding reported incidents, or request such an assessment by the appropriate party (i.e. ADR, law enforcement etc.).</li> <li>• Following the receipt of a complaint, monitor the situation to ensure cessation of unacceptable behavior(s), and preclude any retaliation.</li> <li>• Will provide timely and appropriate response to reported incidents of actual or potential violence or threats.</li> <li>• Will cooperate fully with those investigating workplace violence complaints, including law enforcement authorities.</li> <li>• Will take prompt disciplinary action, as appropriate, after consultation with OHR and the Office of Chief Counsel (OCC), if applicable.</li> </ul>
EMCBC Office Human Resources (OHR)	<ul style="list-style-type: none"> <li>• HR has a particularly vital role in the implementation of this program as they work across EMCBC organizational lines and with Supervisors and Managers to help prevent, respond to and recover from workplace violence incidents.</li> <li>• OHR will provide guidance and assistance on workforce discipline issues, including such matters as incident assessment by supervisors, and other related functional support.</li> <li>• Provide assistance to victim(s) and/or relatives following an incident, as appropriate (i.e., leave request support, insurance benefits, workers compensation claims, EAP assistance or referral to trauma-informed care, etc.).</li> <li>• Will request the EAP to provide critical incident stress debriefings for employees involved in or observing workplace violence incidents.</li> </ul>

	<ul style="list-style-type: none"> <li>• Coordinate with the Office of Technical Support &amp; Asset Management (OTSAM) and others to provide awareness training on workplace violence prevention and response to EMCBC employees and Small Site populations. EMCBC will also provide awareness and prevention training to supervisors.</li> </ul>
Office of Civil Rights and Diversity (OCD)	<ul style="list-style-type: none"> <li>• OCD will provide assistance and guidance pertaining to relevant areas in support of workplace violence response and recovery.</li> <li>• Will provide a SME versed in Equal Employment Opportunity (EEO) and Diversity procedures as they may relate to a workplace violence incident. This may include processing complaints of discrimination under the EEO Program</li> <li>• Will provide information, guidance, and advice to supervisors, managers and employees regarding employee protection from retaliation.</li> <li>• Will support the mobilization and implementation of Alternative Dispute Resolution resources as applied to EEO and Diversity issues related to Workplace Violence incidences.</li> <li>• Will provide information, guidance, and advice to supervisors, managers and employees on diversity and the discrimination complaint process as necessary in support of resolution of a workplace violence incident.</li> </ul>
Office of Chief Counsel (OCC)	<ul style="list-style-type: none"> <li>• OCC will provide subject matter expertise to supervisors, managers, and other EMCBC functional organizations when appropriate and necessary as it pertains to legal matters and Alternative Dispute Resolution.</li> <li>• Will keep EMCBC personnel aware of legal issues that affect obligations and potential liability as they pertain to providing a safe workplace.</li> <li>• Will Dispute Resolution assistance (mediation), as requested, to employees and managers in an effort to prevent recurrent disputes from escalating into violent behavior.</li> <li>• Will provide a SME versed in employment law as it relates to workplace violence.</li> </ul>
Office of Technical Support and Asset Management (OTSAM)	<ul style="list-style-type: none"> <li>• OTSAM will provide subject matter expertise in the fields of Security, Emergency Management, and Safety and provides a lead role with the maintenance of the Workplace Violence</li> </ul>

	<p>Prevention Policy and related documents.</p> <ul style="list-style-type: none"> <li>• Will initiate the review and revision process for the EMCBC Workplace Violence Prevention Policy and related documents.</li> <li>• Will provide SME versed in emergency management, personnel and physical security to provide knowledge and guidance in reference to implementing applicable plans in response to workplace violence incidents.</li> <li>• If applicable, OTSAM will provide assistance and guidance through implementation of the Employee Concerns Program (ECP) in accordance with ECP protocols.</li> <li>• Will plan and conduct appropriate training drills in emergency management, personnel and physical security to provide knowledge and guidance in implementing applicable plans in response to workplace violence incidents.</li> <li>• Will follow up with appropriate incident reporting and other security and emergency actions, as determined by DOE and EMCBC programs and plans. This may include reporting in accordance with DOE O 231.1B, <i>Environment, Safety, and Health Reporting</i>, DOE O 470.4B <i>Safeguards and Security Program</i> and DOE O 151.1C, <i>Comprehensive Emergency Management System</i>.</li> </ul>
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## 4.0 Approach

The EMCBC utilizes multidiscipline plans, procedures, processes and subject matter expertise to attempt to prevent workplace violence and to respond to it if it occurs. The EMCBC controlled documents supporting prevention and response to workplace violence are referenced in section 5.2 of this Program Description. This Program Description supports the implementation of the DOE Policy 444.1, *Preventing and Responding to All Forms of Violence in the Workplace* to include domestic violence, sexual assault and stalking.

**\*NOTE\*** No two incidences of workplace violence are alike. Each reported incident must be evaluated and adjudicated based on the facts discovered during any inquiry. In the event of an incident of workplace violence, all or some of the EMCBC organizational elements and select SME(s) may support and assist in the post-incident response and recovery as appropriate per the applicable EMCBC plan referenced in Section 5.

### 4.1 Identification of Workplace Violence

When it comes to workplace violence, people commonly think of assault and battery. While these are both significant types of workplace violence, the actual occurrence of each is relatively

low in comparison to more common types of workplace violence, such as harassment, intimidation and bullying. The following Table provides a list of possible types of workplace violence.

Types of Workplace Violence		
Physical Assaults	Threats to Use Deadly Weapons	Verbal Abuse
Brandishing a Weapon	Threats of Assault	Harassment
Homicide	Property Damage	Intimidation
Rape	Stalking	Bullying
Sexual Assault	Attempted Homicide	Attempted Murder
Suicide	Robbery	Domestic Violence

A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of non-work-related situations such as domestic violence or “road rage.” Workplace violence can be inflicted by an abusive employee, a manager, supervisor, co-worker, customer, visitor, family member, or even a stranger. Whatever the cause or whoever the perpetrator, workplace violence is not to be accepted or ignored.

There are four general categories of workplace violence. They include:

- Criminal Intent
  - The perpetrator has no legitimate relationship to the agency or its employees and is usually committing a separate crime, such as robbery, in conjunction with the violence.
- Customer/Client
  - The perpetrator has a legitimate relationship with the agency and becomes violent while being served by the agency. This category includes customers, clients, patients, students, inmates, and any other group to whom the agency provides services. Employees working for government agencies servicing large segments of the public on a daily basis are likely to be exposed to this type of workplace violence.
- Employee on Employee`
  - The perpetrator is a current or former agency employee who attacks or threatens another current or former employee(s) in the workplace.
- Personal Relationship.
  - The perpetrator usually does not have a relationship with the agency but has a personal relationship with an agency employee. This category includes domestic violence that spills over into the workplace.

**\*NOTE\*:** While none of the indicators below should be ignored, remember that human behavior is unpredictable. There is no profile of someone who will commit violent acts. The signs provided below are only examples of indicators that a greater potential exists for violent behavior, but doesn't necessarily mean that violence will occur.

#### Potential Workplace Violence Indicators:

- Numerous conflicts with supervisors and other employees
- Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or fascination with weapons
- Statements showing fascination with incidents of workplace violence, statements indicating approval of use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides
- Statements indicating desperation (over family, financial, and other personal problems) to the point of contemplating suicide
- Drug/Alcohol abuse
- Extreme changes in behaviors

There is no sure way to predict human behavior, and while there may be warning signs, there is no specific profile of a potentially dangerous individual. The prevention comes from identifying problems early and dealing with them. Consequently, any suspected or reported incident must be taken very seriously and the circumstances assessed. Taking preventative actions is the best way to preclude a workplace violence incident. Prevention can be accomplished through education, training, and recognition of indicators of potentially violent behavior.

#### **4.2 Concept of Operations**

The EMCBC will offer support and referral for assistance to those employees who report an incident of workplace violence. The EMCBC will also provide support and assistance to supervisors to whom disclosures are made. Every effort will be made to resolve the incident at the lowest level of management as appropriate.

It is up to each employee to work together to make the EMCBC a safe workplace. The expectation is that each employee will treat all other employees, as well as customers and potential customers and visitors, with dignity and respect. It is critical for supervisors and management to demonstrate that they care about employees' safety and to provide as safe a working environment as possible by having preventive measures in place and, if necessary, by dealing immediately with threatening or potentially violent situations which occur.

No matter how effective an agency's policies and plans are in detecting and preventing incidents, there are no guarantees against workplace violence. Even the most responsive employers face this issue. When a violent incident does occur, it is essential that the response be timely, appropriate to the situation, and carried out with the recognition that employees are traumatized and that the incident's aftermath has just begun. For this reason, the EMCBC has in place additional plans and procedures as noted in Section 5.2 to respond to and recover from acts of workplace violence.

#### **4.3 Reporting Workplace Violence**

**CAUTION** - Employees should not attempt to intervene if an event occurs that is immediately dangerous to life or health (for example, a weapon has been observed). If a weapon is observed,

employees should leave the vicinity and notify local law enforcement (911) and a supervisor.

For all other incidents, the EMCBC expectation is that the supervisor be notified of the incident in as timely a manner as possible. The intent of the EMCBC is to ensure that any response to a report of workplace violence is done at the lowest level of supervision possible.

All EMCBC employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, contractors, or visitors to the EMCBC. Employees shall place safety as their highest concern. Individuals who suspect, witness, or experience inappropriate or disruptive behavior, by anyone on agency premises, regardless of who the individual is, are expected to report it to a supervisor. To the extent possible, reports of violence will be handled in a confidential manner by supervisors, with information disseminated only on a need-to-know basis based on the incident. Management shall be sensitive and responsive to the reporting employee's fear of retaliation.

#### **4.4 Domestic Violence and the Workplace**

Many employers are reluctant to become involved in their employee's personal affairs, because they view this as a matter of separation between work and the employee's personal life. However, the effects of domestic violence can display themselves at work in a variety of forms, including but not limited to reduced work productivity, absenteeism, increased medical expenses, and increased risk of violence at the workplace.

In addition to becoming aware of the tools and assistance available in the Federal workplace, there are a number of ways that the EMCBC can provide support and help to empower an employee. Assisting with a domestic violence situation within the workplace can be very challenging, so it is important to understand how to recognize the possible signs of domestic violence, how to broach the topic of violence if violence is suspected, and where to refer an employee for the right type of support and assistance.

The Federal workplace offers tools for protecting the safety of an employee who is being abused and for supporting him or her as they go about rebuilding their life. There are some very important and useful tools and resources that are available to every federal employee through the federal personnel system, but that are specifically useful to an individual who is facing an abusive situation.

For example, a person experiencing domestic violence may be afforded the opportunity to have his or her working hours or reporting location adjusted in order to offer safety and support. In addition, there are several types of leave options that may be available to an employee in times of need for various reasons; from annual leave to sick leave, or even, if necessary, use of the Family and Medical Leave Act. Any employee can play an important role by making sure that employees know about, and recognize how to access these tools.

While the employee must ultimately decide whom in the workplace he or she wants to turn to and what kinds of protections he or she needs, any employee can serve to provide support, while



directing the employee to appropriate EMCBC or external resources, which will best serve the employee's needs.

**NOTE\*** In the workplace, any employee who desires to discuss domestic violence issues is encouraged to speak with whomever they are most comfortable. However, if an incident of imminent danger is recognized, i.e. an employee confides a spouse has threatened to come to work with a gun, the expectation is that this will be reported to a supervisor.

Typically, there are certain patterns of behavior that are indicative of an individual being victimized. (See Table below for some Possible Indications of Victimization)

#### **Possible Indications of Victimization\***

- Tardiness or unexplained absences
- Frequent (and often unplanned) use of leave time
- Anxiety/Lack of concentration
- Change in job performance
- A tendency to remain isolated from coworkers or reluctance to participate in social events
- Discomfort when communicating with others
- Disruptive phone calls, emails or text messages
- Sudden or unexplained requests to be moved from public location in the workplace, such as reception areas
- Frequent financial problems indicating a lack of access to money
- Unexplained bruises or injuries
- Inappropriate clothes (e.g. sunglasses worn inside building, turtleneck worn in summer)
- Noticeable change in the use of makeup (to cover bruises or injuries)
- Disruptive visits from current or former intimate partner
- Sudden changes of address or reluctance to divulge where he/she is living
- Acting uncharacteristically moody, depressed, or distracted
- While in the process of ending an intimate relationship, the breakup seems to cause the employee undue anxiety
- Court appearances
- Being the victim of vandalism or threats

\*Source: American Bar Association Commission on Domestic Violence: A Guide for Employees: Domestic Violence in the Workplace (Washington, D.C.: 1999, p. 16).

It is always appropriate for a supervisor to show concern for an employee who seems seriously distressed, and to support the employee in getting professional help. You should not try, however, to diagnose the employee's problem; do not presume that the employee is being abused, and make it clear that it is his or her choice whether or not to confide in you.

Below are some suggested steps for approaching the topic of domestic violence with an employee you suspect is being abused:

- Let the employee know what you have observed – “I noticed the bruises you had last week and you look upset and worried today.”
- Express concern that the employee might be abused – “I thought it was possible that you were being hurt by someone and I am concerned about you.”
- Make a statement of support – “No one deserves to be hit by someone else.”
- If the employee chooses not to disclose, no further questions or speculations should be made. A referral for assistance should be given at the end of the conversation

If the employee discloses that she or he is experiencing a problem with domestic violence, resist any temptation to direct the employee’s safety; the individual is the best judge about what will keep her or him safe and there are risks on the path to safety. Make a referral to the EAP and explain to the individual that this is a confidential resource for assistance. The EAP is able to intervene in ways you cannot and should not. Their early intervention can have a significant impact on getting the right kind of assistance in place. Let the employee know that you will keep what she or he has disclosed confidential, but in the case of a clear threat to the workplace, you, and anyone else who knows, are obligated to seek help.

Except when a situation represents an imminent danger to the workplace, if the employee has confided in you, but is still resistant to letting anyone else at work know, including the EAP, you can refer him or her to the National Domestic Violence Hotline (1-800-799- SAFE (7233) OR TTY 1-800-787-3224).

Most importantly, do not ignore the situation. If workplace intervention is appropriate, either at the employee’s request or to respond to a threat to the workplace, early intervention can provide advantages. In many cases, early intervention can prevent an incident of violence that could devastate the entire workplace. Work may be the only resource an employee has left, particularly if the abuser has succeeded in cutting off other sources of support. If you are an immediate supervisor, your role can be especially important because you are in a position to initiate supportive actions on the part of the organization, if this is what the individual wants. The spirit and tone of your words and actions can make a big difference to the employee. Even if you feel confident about how you would handle a situation, consider consulting with EAP for guidance about your role and about how you can communicate your support.

## **5.0 Requirements and References**

### **5.1 Requirements:**

5.1.1 Title 29 United States Code (USC), Section 654, “Duties of Employers and Employees”

5.1.2 Title 29, Code of Federal Regulations (CFR), Part 1960, “Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters”

5.1.3 Title 29, Code of Federal Regulations (CFR). Part 1614, “Federal Sector Equal Employment Opportunity” (EEO)

5.1.4 DOE O 440.1B, Admin Change 1, *Worker Protection Management for DOE (Including National Nuclear Security Administration) Federal Employees*

5.1.5 DOE O 3750.1, Change 6, *Work Force Discipline*

5.1.6 Title 5, CFR, Part 752, *Adverse Actions*

## **5.2 References:**

5.2.1 DOE Policy 444.1, *Preventing and Responding to All Forms of Violence in the Workplace*

5.2.2 EMCBC Policy Statement, PO-OTSAM-440-02, Rev. 3, *Workplace Violence Prevention Policy*

5.2.3 Interagency Security Committee, *Violence in the Federal Workplace: A Guide for Prevention and Response*.

## **6.0 Supporting Management Systems, Subject Areas, and Procedures**

The EMCBC has several policies, plans and processes in place to address different security, emergency management and administrative situations that may be implemented by workplace violence situations. The policies, plans, and processes include but may not be limited to:

### **EMCBC Occupant Emergency Plan (PP-OTSAM-151-01)**

The EMCBC plan outlines procedures to follow in the event of an emergency that affects the EMCBC or 250 East 5<sup>th</sup> St office building employees as a whole, such as: fire, bomb threats, civil demonstrations, threats of violence both inside and outside of the office, natural disasters, etc.

### **EMCBC 250 East 5<sup>th</sup> St Facility Security Plan (PP-OTSAM-470-08)**

The EMCBC has a Facility Security Plan that addresses security activities and protections pertinent to the EMCBC office facilities and identifies individual employee reporting responsibilities pertinent to all EMCBC employees and support service contractor personnel regardless of where they are assigned.

### **Continuity of Operations Plan (COOP) (PP-OTSAM-151-02)**

The Continuity of Operations Plan (COOP) is applicable to the EMCBC and is also intended to link support to EMCBC Service Level Agreement Sites’ emergency operations, if needed. The type of support necessary for emergency operations varies from each site based on their internal emergency operations capabilities. COOP information is attached for the Service Level Agreement sites that choose to participate with the EMCBC COOP Planning.

**Employee Concerns Program (PD-OD-442-02)**

The EMCBC has established the ECP to receive, evaluate, refer, investigate and respond to Federal and contractor employee concerns at the EMCBC and serviced sites. If an employee should face retaliation in the wake of reporting an incident of workplace violence, the EMCBC ECP may be invoked to respond to the event.

**Human Resources Subject Area Description, Performance Management**

Performance Management provides guidance, consultation, and assistance to supervisors and employees regarding options for addressing employee conduct and performance deficiencies, grievances and appeals, workforce discipline, and adverse actions. This program:

- Assists employees with work-related issues, concerns, and grievances.
- Assists supervisors and managers in resolving work related issues and concerns.
- Interprets HR policies and procedures and recommends modifications when appropriate.
- Provides supervisors and managers with guidance on the delivery of disciplinary and adverse actions that ensures actions are consistent with Federal regulations, DOE policy, past practices, and circumstances involved.

**7.0 Exhibits**

None

**8.0 Definitions** – See Master Definitions List at the top of the MSD Home Page.

**9.0 Records –**

9.1 Records may be generated through implementation of this Program Description as a result of a workplace violence incident and are identified by the series below. Primarily, records will be maintained by the supervisor for most incidents however, if an event warrants additional reporting or notifications, additional records may be generated as indicated below.

Records Category Code	Records Title	Responsible Organization	Quality Record Classification: (Lifetime, Non-Permanent or NA)
ADM-01-18-A	Supervisory Employee Files	Supervisors	NA
ADM-01-43-B1	Employee Concerns Program Files as a result of retaliation issue	OTSAM	NA
ADM-18-11.3	Notification Reports (Incidents of Security	OTSAM	NA

	Concern)		
ADM-18-11.1-C	ORPS Reporting Files, (Initial Emergency Notifications), OSHA 200 Logs of workplace injuries	OTSAM	NA

**EMCBC RECORD OF REVISION****DOCUMENT TITLE: Workplace Violence Prevention Program**

If there are changes to the controlled document before the two-year review cycle, the revision number stays the same; one of the following will indicate the change:

**I** Placing a vertical black line in the left margin adjacent to sentence or paragraph that was revised; or

**I** Placing the words GENERAL REVISION at the beginning of the text. This statement is used when entire sections of the document are revised.

If changes and updates occur at the two-year review cycle, the revision number increases by one.

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<b>Rev. No.</b>	<b>Description of Changes</b>	<b>Revision on Pages</b>	<b>Date</b>
1	Initial Program Description	All	04/04/11
2	Reformatted to new MSD	All	06/24/15